



PROPOSED RULE MAKING
(RCW 34.05.320)

CR-102 (7/1/89)

Agency: Liquor Control Board		<input checked="" type="checkbox"/> Original Notice <input type="checkbox"/> Supplemental Notice to WSR <input type="checkbox"/> Continuance of WSR
(a) Title of rule: (Describe Subject) WAC 314-52-015 - General Liquor Advertising Purpose: To amend existing language and add a new subsection detailing penalties for violations of section WAC 314-52 pertaining to the advertising of alcoholic beverages. Other identifying information:		
(b) Statutory authority for adoption: RCW 66.08.030	Statute being implemented: RCW 66.08.060	
(c) Summary: Amends existing language to further strengthen regulations pertaining to liquor advertising and displays of professional achievement due to consumption of same; attempts to attract persons under the legal age of consumption to consume or create association between toys/clothing intended for children and provides penalties. Addresses areas of expressed concern voiced by the public over liquor advertising and the effects of same on persons under the age of 21 years.		
(d) Name of Agency Personnel Responsible For:		Office Location Telephone
1. Drafting M. Carter Mitchell		1025 E. Union Olympia 753-6276
2. Implementation Gary Gilbert		" 586-3052
3. Enforcement Gary Gilbert		" 586-3052
(e) Name of proponent (person or organization) Liquor Control Board		<input type="checkbox"/> Private <input type="checkbox"/> Public <input checked="" type="checkbox"/> Governmental
(f) Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:		
(g) Is rule necessary because of: Federal Law? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, ATTACH COPY OF TEXT Federal Court Decision? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Citation: State Court Decision? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
(h) HEARING LOCATION: Conference Room Liquor Distribution Center 4401 East Marginal Way South Seattle, WA 98134 Date: Nov. 28, '90 Time: 9:30 a.m. Submit written comments to: M. Carter Mitchell 1025 E. Union, Olympia, WA 98504 By (date): Nov. 26, '90		DATE OF INTENDED ADOPTION: January 2, 1991
NAME (TYPE OR PRINT) Paula C. O'Connor SIGNATURE Paula O'Connor TITLE Chairman		CODE REVISER USE ONLY CODE REVISER'S OFFICE STATE OF WASHINGTON FILED OCT 11 1990 TIME 1:17 PM WSR 90-21-031

(COMPLETE REVERSE SIDE)

DEFENDANT'S
EXHIBIT

CASE
NO. C04-0360P

EXHIBIT
NO. 508

WBW-004530

TX508-001

(j) Short explanation of rule, its purpose, and anticipated effects:

The proposal stipulates various activities which would be considered violative of existing regulations regarding advertising/promoting of alcoholic beverages where the advertisement/promotion is directed towards persons under the age of 21 years. The purpose of the language is to discourage such advertising within the state and provide for penalties if violations occur.

Does proposal change existing rules?

☒ YES ☐ NO

If yes, describe changes: Expands existing language to clarify what constitutes improper advertising using professional or social achievement in addition to athletic abilities. Prohibits the sale of clothing in children's sizes if such clothing carries brand identification/recognition thereof. Prohibits any advertising intended to attract persons under 21 years to consume.

(k) Is small business economic impact statement required by chapter 19.85 RCW?
(Use this space, if possible. Attach extra sheets if necessary.)

☐ YES ☒ NO

WBW-004531

AMENDATORY SECTION (Amending Order 108, Resolution No. 117, filed 8/11/82)

WAC 314-52-015 GENERAL. Institutional advertising shall mean advertising which promotes company or brand name identification, but does not directly solicit purchase or consumption of liquor. Educational advertising shall mean factual information on liquor, its manufacture, history, consumption and methods of ascertaining the quality of various types of liquors such as German wines, French cognacs, or other classifiable types of product. All liquor advertising shall be modest, dignified and in good taste and shall not contain:

- (1) Any statement or illustration that is false or misleading in any material particular.
- (2) Any statement, picture, or illustration which promotes or depicts as amusing, overconsumption or a state of intoxication.
- (3) Any statement, picture, illustration, design, device, or representation which is undignified, obscene, indecent, or in bad taste.
- (4) Any statement, design, device, or representation of or relating to analyses, standards, or tests, irrespective of falsity, which is likely to mislead the consumer.
- (5) Any statement, design, device, or representation of or relating to any guaranty, irrespective of falsity, which is likely to mislead the consumer.

Nothing in this section shall prohibit the use of any enforceable guaranty in substantially the following form: "We will refund the purchase price to the purchaser if he is in any manner dissatisfied with the contents of this package."

(6) Any statement that the product is produced, blended, made, bottled, packed or sold under, or in accordance with, any authorization, law, or regulation of any municipality, county, or state, federal or foreign government unless such statement is required or specifically authorized by the laws or regulations of such government; and if municipal, state or federal permit number is stated, such permit number shall not be accompanied by any additional statement relating thereto.

(7) Any statement, design or device representing that the use of liquor has curative or therapeutic effects, if such statement is untrue in any particular, or tends to create a misleading impression.

(8) Any statement, picture, or illustration implying that the consumption of liquor enhances athletic prowess, or professional or social achievement of any kind, or any statement, picture, or illustration referring to any known athlete or professional, if such statement, picture, or illustration implies, or if the reader may reasonably infer, that the use of liquor contributed to the achievements of such ((known-athletes-athletic-achievements)) individuals.

(9) Any depiction of a child or other person under legal age to consume liquor; any depiction of objects, such as toys, suggestive of the presence of a child, nor any other depiction designed in any manner as to be especially appealing to children or other persons under legal age to consume liquor.

(10) Any reference to any religious character, sign or symbol, except in relation to kosher wines or where such are a part of an approved label.

(11) Anything designed or intended to attract persons under the legal age of consumption to consume alcoholic beverages.

(12) Any direct association between toys, or clothing in children's sizes or intended for children, and brand recognition.

NEW SECTION

WAC 314-52-016 PENALTIES FOR VIOLATION OF CHAPTER 314-52 WAC. Any violations of chapter 314-52 WAC pertaining to advertising shall be justification for administrative action to be taken against the

licensee placing the advertisement or conducting the advertising campaign. Such administrative action may result in a suspension of the liquor license for a period of up to one calendar year following the date of first publication in any media, or the date of the board order imposing the suspension, whichever is later. The board, in its discretion, may also assess a monetary penalty in lieu of, or in addition to, said suspension.